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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,786	02/05/2004	Raymond L. Sharrah	P03087US1 (243-Streamligh	5199
110	7590	06/19/2006	EXAMINER ALEMU, EPHREM	
DANN, DORFMAN, HERRELL & SKILLMAN 1601 MARKET STREET SUITE 2400 PHILADELPHIA, PA 19103-2307			ART UNIT 2821	PAPER NUMBER

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,786

Applicant(s)

SHARRAH ET AL.

Examiner

Ephrem Alemu

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7, 8, 11, 18, 21, 22-27, 29-31 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 7, 8, 11, 18, 21, 29 and 33, the recitations in each claim of “a first transistor having a controllable conduction path in circuit with the battery and the first light source” and a second transistor having a controllable conduction path in circuit with the battery and the first light source” is not clear. Since first or second transistor has at least three connection points, it is not clear to the examiner what is being claimed. The claim is vague and indefinite in which the scope of the claim could not be determined.

Re claim 22, the recitation “a first (second) transistor having a controllable conduction path between first and second electrode” is indefinite because of the following reasons:

(i) the controllable conduction path between the first and second electrode is not clear since the first and second electrodes lack antecedent basis. Is the first and second electrode part of the transistor or other parts within the circuitry? The claim is vague and indefinite in which the scope of the claim could not be determined.

Claims 23-27 are rejected as being directly or indirectly dependent on rejected claim 22.

Claims 30 and 31 are rejected as being dependent on rejected claim 29.

Art Unit: 2821

Re claim 33, the recitation “a first transistor having a controllable conduction path between first and second electrode” is indefinite because of the following reasons:

(i) the controllable conduction path between the first and second electrode is not clear since the first and second electrodes lack antecedent basis. Is the first and second electrode part of the transistor or other parts within the circuitry? The claim is vague and indefinite in which the scope of the claim could not be determined.

However, it is not clear to the examiner what is being claimed. The claim is vague and indefinite in which the scope of the claim could not be determined

(ii) “having a control terminal coupled to the controllable conduction path of the first transistor” is indefinite. What is a control terminal? The claim is vague and indefinite in which the scope of the claim could not be determined.

3. Claim 33 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: i) how the transistor being coupled with the battery and the source of reference potential since transistor has three connection points; battery has two connection points and reference potential may also have two connection point.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

Art Unit: 2821

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 28 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Kasama et al. (US 3,659,119).

Re claims 28 and 32, as best understood, Kasama discloses a power control for battery operated apparatus comprising:

first and second terminals for receiving a battery potential (Fig. 1);

a first switch (2) having first and second ends, the first end thereof being coupled to the first terminal (Fig. 1);

a first transistor having a controllable conduction path between first and second electrodes and having a control electrode for controlling the conduction of the controllable conduction path thereof, the first electrode of the transistor being coupled to the second terminal via resistor (load 24) 24 (Fig. 1); and

a source of reference potential (i.e., resistor 26) coupled between the second end of the first switch (2) and the control electrode of the first transistor (19) (Fig. 1).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8, 10, 11, 22-21, 29, 30 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meredith et al. (US 3, 953,768).

Art Unit: 2821

Re claims 1-8, 10, 11, 22-21, 29, 30 and 33-35, Meredith discloses in a battery operated light (i.e., hand held flash light) comprising a first light source (i.e., fluorescent lamp 32), a battery (21) and a first switch (39) in circuit for selectively energizing the first light source (i.e., fluorescent lamp 32) to produce light (Figs. 1, 12, 13; Col. 9, lines 18-33);

a source of a reference potential (i.e., 48, 43; wherein the source of reference potential comprises a Zener diode and/or a resistive voltage divider) (Fig. 12);

a comparator (i.e., discharge limiting circuit 42) responsive to a potential produced by the battery and to the reference potential for de-energizing the first light source when the battery potential is below a predetermined potential (Fig. 12; Col. 13, lines 35-47);

a second light source (i.e., fluorescent lamp 36) to produce light (Fig. 12); and

a second switch (38) in circuit with the battery for selectively energizing the second light source to produce light (Figs. 1, 12, 13; Col. 9, lines 18-33; wherein the second switch is operable independently of the first switch).

Although, Meredith does not show the second light source being operated at a lower level than the first light source; Meredith clearly teaches of operating the two light source in combination when the battery capacity is above a certain level and operating one of the light source only when the battery level is below a certain level for the purpose of operating the light source at a lower level than the combination of the two light source.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the second light source of Meredith with fluorescent lamp that operates at a lower current than the first light source for the purpose of operating the operation period the battery by lowering the current consumed by the second light source.

Art Unit: 2821

8. Claims 9, 12-21 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meredith et al. (US 3, 953,768) in view of Horibata et al. (US 5,374,876).

Re claim 9, 12-21 and 31, although, Meredith teaches of selectively providing battery power to the first and second fluorescent lamps and operating the lamps as described above, Meredith does not show the first and second fluorescent lamps being an incandescent lamp and LED. However, it is well known in the battery operated lighting art the use of the combination of an incandescent lamp and LED for the purpose of providing different type of lights. As an example see Horibata et al. (US 5,374,876).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a combination of an incandescent lamp and LED in place of the fluorescent lamps for the purpose of further extend the use of the battery when providing light.

Therefore, it would have been well in the skill of an artisan at the time the invention was made to modify the circuit of Kim's by providing the transistor having a controllable conduction path in circuit with the battery and the second light source and having a control terminal coupled to the comparator, since Kim discloses of using a transistor for the purpose of controlling the de-energizing of the first light source when the battery potential is below the predetermined potential.

Allowable Subject Matter

The indicated allowability of claims 7, 8, 11, 18, 21, 22-27, 29-31, 33 and 35 is withdrawn in view of the newly discovered references to Meredith et al. (US 3, 953,768). Kasama et al. (US 3,659,119) as discussed above.

Remarks

9. The rejection in the previous office action based on Kim et al. (US 6,841,941) had been overcome based on the declaration filed under 37 CFR 1.131.

Response to Arguments

10. Applicant's arguments filed 3-31-06 have been fully considered. The rejection in the previous office action based on Kim et al. (US 6,841,941) had been overcome based on the declaration filed under 37 CFR 1.131.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ephrem Alemu whose telephone number is (571) 272-1818. The examiner can normally be reached on M-F Flex hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P Callahan can be reached on (571) 272-1740. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/772,786

Page 8

Art Unit: 2821

TRINH DINH
PRIMARY EXAMINER

EA

6-07-06

A handwritten signature in dark ink, appearing to read 'Trinh Dinh', with a long horizontal flourish extending to the right.